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position that when rules are violated they cease to exist, so that, after the war is ended, it will be necessary to make international law over again. The latter view has no doubt obtained a certain currency because of the general assumption that the rules of international law have been more extensively violated or disregarded by belligerents in the present conflict than in the previous great European wars. This assumption may readily be shown to be largely or wholly unfounded. No doubt new conditions may call for the application of new rules, but even in this respect, as Lord Stowell once judicially and judiciously observed, the change may consist in the adaptation of an old principle rather than in the invention of a new one. It has therefore generally been found that after great conflicts what was required was the reestablishment rather than the creation of law. For the performance of this task of the future the learned author offers numerous suggestions which can scarcely be examined within the limits of a book review. One line of development which he proposes is that neutrals shall be permitted by means of commissions acting in the various belligerent countries to take a more direct and more active part than they have heretofore done in observing military operations in countries at war and acting upon alleged violations of the laws of war.

The work as a whole merits careful consideration, both by reason of its intrinsic interest and of the author's position as a publicist.

JOHN BASSETT MOORE.

La Penetrazione Straniera nell'Estremo Oriente. By E. CATTELANI. Florence: Barbèra. 1915. pp. 493.

The exceptional character of international law as applied to foreigners in China had for a long time suggested the necessity of a clear, compendious and complete statement of the origin and extension of their privileges; of the nature of consular jurisdiction in controversies between foreigners, between foreigners and natives and in criminal cases; of the immunities guaranteed by treaties to the citizens of other countries residing in China; of the differences between the *Capitulations* of the Near East, and the *Extraterritoriality* of the Far East, which has given rise, so to speak, to divers small states within the state itself.

Professor Enrico Catellani, of the Royal University of Padua, has accomplished this work in his scholarly book under review.

The author, tracing the historical origin of the *Concessions*, reviews the spontaneous formation of the groups of foreign populations on the Chinese territory. Thoroughly acquainted with the treaties concluded between China and the Western Powers, he gives us much information both interesting and useful about the areas set apart for the residence and use of foreigners; about the character of the said *concessions* and the titles of possession thereto. He brings out the injury inflicted upon the territorial sovereignty and native property by the erroneous interpretation and construction of some of the treaties; he explains the necessities which compelled these same *concessions* to provide for their own administration; he reviews them and analyzes their government, their municipal autonomy and their tutelary authorities.

The author presents in a few pages a complete synthesis of the Chinese sovereignty over the said *concessions*, of the authorities which govern them, of their similar history, of the form and development of the territorial concessions and the transfers of the same to other states.

The doctrines expounded in this work, the important researches of its author, the interesting documents with which he has enriched it, which comprise a long period of time, entitles it to be considered as a guide, a *vade mecum* of great value for the officer in the Far East, and as a precious summary for the student who wishes to have a definite idea of the exceptional law applying to foreigners in these distant regions of the world.

P. HERRERA DE HUERTA.¹

The Rules of Private International Law Determining Capacity to Contract. By F. T. Cheng, LL.D. (London). London: Stevens & Sons. 1916. pp. xvi, 134.

This little volume contains a scholarly exposition of a difficult subject, — difficult at least when treated, as here, from the standpoint of the English decisions, though simple enough under the principles adopted by the American courts.

Thus, while the latter courts have adopted the uniform rule that the proper law to govern the capacity of a party to contract is the

¹ Review translated from Spanish into English by Mr. Pedro Capo-Rodriguez, of Washington, D.C.